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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,843	07/01/2003	Tommy E. White	GP-302711	2769

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EXAMINER
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MORROW, JASON S


ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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 <b>Office Action Summary</b>	<b>Application No.</b> 10/611,843	<b>Applicant(s)</b> WHITE ET AL.	
	<b>Examiner</b> Jason S. Morrow	<b>Art Unit</b> 3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19 is/are allowed.
- 6) ☒ Claim(s) 1-18, 20-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |



## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-18 and 20-28 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification does not disclose how the inner member can be made in one-piece and the outer member can be made in one-piece. It is unclear how each of these members could be constructed according to the techniques disclosed by the applicant, as they are far more complex than any frame member made in one-piece according to the prior art. It is unclear how the members could be constructed without welding or joining in some manner smaller pieces to construct the inner or outer member.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 1, 2, 7-9, 16, 18, 20, 22-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Schroeder et al. '768.

Re claim 1, Schroeder et al. discloses a body and frame assembly for a vehicle comprising a one-piece inner member (26) mated with a one-piece outer member (16a), the inner member (16b) defining door openings at opposing sides of the vehicle and the outer member further defining the door openings at the opposing sides of said vehicle.

Re claim 2, the inner member includes an inner roof panel portion having opposite ends respectively at said opposing sides, a first inner side frame portion (the portion toward the right of 22 in figure 2) at one end and a second inner side frame portion at the opposed end, wherein said inner side frame portions extend generally downward from the inner roof panel portion, wherein the outer member includes an outer roof panel portion having opposite ends respectively at the opposing sides, a first outer side frame portion (the stub which extends downwardly and is directly adjacent to the reference numeral 28 in figure 2) at one end and a second outer side frame portion at the opposed end, wherein the outer side frame portions extend generally downward from the outer roof panel portion, wherein the first inner and first outer side frame portions substantially define at least one door opening and said second inner and second outer side frame portions substantially define at least one other door opening; and wherein the inner member and the outer member are joined as an assembly.

Re claim 7, the inner roof panel is characterized by formations configured to provide structural rigidity.

Re claim 8, the inner and outer members define holes (the hole on the inner panel is directly above the arrow for reference numeral 20b in figure 2, the holes on the outer panel

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would be on part 20a where the hinges for the rear window attach) for at least one of door hinges, wiring, and trim components.

Re claim 9, the inner member is formed from a single first rigid sheet and the outer member is formed from a single second rigid sheet.

Re claim 18, the inner member has an outer face and the inner member and the outer member are sufficiently contiguous and coextensive with each other such that the outer member substantially covers the outer face of the inner member (see figure 1).

Re claim 20, Schroeder et al. disclose a method of assembling a vehicle comprising forming a one-piece inner member, forming a one-piece outer member matable with the inner member, and mounting the inner and outer members to each other such that the inner member defines door openings at opposing sides of the vehicle and the outer member further defines the door openings at the opposing sides of the vehicle (see figures 1 and 2).

Re claim 22, the mounting is such that the outer member substantially covers the inner member and the inner member and the outer member are joined as an assembly (see figure 1).

Re claim 23, the method includes trimming the inner member (with a light, as can be seen from the unnumbered mount in figure 2).

Re claim 24, the method includes trimming the outer member (with hinges for the back window, inherent to the reference).

Re claim 25, the method includes modifying the inner member such that it defines holes for door hinges (as mentioned above), wiring and trim components other than doors.

Re claim 26, the method includes modifying the outer member such that it defines holes for door hinges, wiring, and trim components other than doors (as mentioned above).

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Re claim 27, the method includes mounting the joined inner and outer members to a vehicle chassis to at least partially define a vehicle passenger compartment.

Re claim 28, the method includes providing a body and frame assembly including the mounted inner and outer members (inherent to the reference).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schroeder et al. '768.

Schroeder et al. discloses all the limitations of the claim, as applied above, except for the inner member and the outer member being joined at least partially by bonding.

Bonding plastic components is an old and well-known technique.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a method, such as that disclosed by Schroeder et al., to join the inner and outer member at least partially by bonding, as is old and well known in the art, in order to join the parts in a well known and conventional manner that requires no additional cutting or drilling of the inner and outer members.

***Response to Amendment***

7. The declarations under 37 CFR 1.132 filed 1/19/05 are insufficient to overcome the rejection of claims 1-18 and 20-28 based upon 35 U.S.C. 112, first paragraph as set forth in the last Office action because: The declarations only give expert opinion evidence given by experts in the employ of the assignee. As the experts have an interest in the outcome of the application, little weight is given to the declarations. No factual evidence is given by the declarations. The declarations amount to a legal conclusion that one of ordinary skill in the art would be able to make and use the invention from the Specification. Thus the declarations are given little weight. See MPEP 716.09 and 716.01(c). Accordingly, the rejection is maintained since no piece of prior art is of record disclosing a method that could be used to make such a structure as applicant describes or shows a structure similar to that of applicant.

***Allowable Subject Matter***

8. Claim 19 is allowed.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason S. Morrow whose telephone number is (703) 305-7803. The examiner can normally be reached on Monday-Friday, 8:00a.m.-4:30p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 9, 2005

Jason S. Morrow  
Examiner  
Art Unit 3612

  
**JASON MORROW**  
**PRIMARY PATENT EXAMINER**

3/9/05